

Louisiana State Board of Medical Examiners
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***** STATEMENT OF POSITION *****

Ear Stapling

JUNE 2007

SUMMARY. It is the opinion of the Louisiana State Board of Medical Examiners (the "Board") that ear stapling constitutes the practice of acupuncture and, as such, is deemed to be the practice of medicine. Therefore, ear stapling may only be performed in this state by a Louisiana licensed physician or an acupuncturist's assistant certified by the Board.

STATEMENT OF POSITION. In recent months, the Board has received several requests for advisory opinions as to who may perform ear stapling *i.e.*, the placement of surgical staples in the external cartilage of the ear for the alleged purpose of assisting in weight loss, smoking cessation, insomnia, and other conditions. The Board considers ear stapling to be the practice of acupuncture as defined by Louisiana law¹ which constitutes the practice of medicine² and may only be performed in this state by a Louisiana licensed physician or an acupuncturist's assistant certified by the Board.³ Any individual performing ear stapling without such licensure or certification will be deemed to be engaged in the unauthorized practice of medicine and is subject to injunctive action as well as civil and criminal penalties and fines.⁴

**LOUISIANA STATE BOARD OF
MEDICAL EXAMINERS**

¹ 'Acupuncture' is defined as '[T]he treatment by means of mechanical, thermal or electrical stimulation effected by the insertion of needles at a point or combination of points on the surface of the body predetermined on the basis of the theory of the physiological interrelationship of the body organs with an associated point or combination of points, or the application of heat or electrical stimulation to such point or points, for the purpose of inducing anesthesia, relieving pain, or healing diseases, disorders and dysfunctions of the body, or achieving a therapeutic or prophylactic effect with respect thereto.' La. Rev. Stat. §37:1356A.

² '[T]he practice of acupuncture shall be construed to be the practice of medicine as defined by R.S. 37:1261.' La. Rev. Stat. §37:1356B.

³ 'Any person, other than a licensed physician, who acts as or undertakes to perform or practice acupuncture without a current acupuncturist's assistant's certificate issued under this Chapter shall be deemed to be engaging in the unlawful practice of medicine' La. Adm. C. 46 XLV.5105.B.

⁴ La. Rev. Stat. §§37:1271, 1286, 1290.